

Town Board Minutes

**Meeting
No. 23**

Special Meeting

August 21, 1995

MEETINGS TO DATE 23
NO. OF REGULARS 15
NO. OF SPECIALS 8

LANCASTER, NEW YORK
AUGUST 21, 1995

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 21st day of August 1995, at 7:30 P.M. and there were

PRESENT: LUCIAN J. GRECO, SUPERVISOR
ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
GEORGE E. O'NEIL, PLANNING BOARD CHAIRMAN
REBECCA ANDERSON, PLANNING BOARD MEMBER
FRANK M. DE CARLO, PLANNING BOARD MEMBER
JOHN P. GOBER, PLANNING BOARD MEMBER
DONNA G. STEMPNIAK, PLANNING BOARD MEMBER
MELVIN H. SZYMANSKI, PLANNING BOARD MEMBER

ABSENT: MILDRED F. WHITTAKER, PLANNING BOARD MEMBER

ALSO PRESENT: ELEANOR D. KUCHARSKI, DEPUTY TOWN CLERK
JOSEPH F. REINA, ATTORNEY
JEFFREY H. SIMME, ASSISTANT BUILDING INSPECTOR
ROBERT H. LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of one action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
AIRTEK OFFICE/WAREHOUSE BUILDING**

The Municipal Review Committee then proceeded with the Environmental Assessment on the proposed Airtek Office/Warehouse Building matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER STEMPNIAK???
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
AIRTEK OFFICE/WAREHOUSE BUILDING
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Joseph F. Reina, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 11.4 acres. The location of the premises being reviewed is on the south side of Walden Avenue, west of Pavement Road.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect of threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

14. The proposed action will not affect existing transportation systems.
15. The proposed action will not affect the community's sources of fuel or energy supply.
16. There will not be objectional odors, noise, or vibration as a result of this proposed action.
17. The proposed action will not affect public health and safety.
18. The proposed action will have a small to moderate affect on the character of the existing community.
19. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s
Lucian J. Greco, Supervisor
Town of Lancaster

August 21, 1995

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

August 21, 1995

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 7:40 P.M.

Eleanor D. Kucharski, Deputy Town Clerk

Town Board Minutes

**Meeting
No. 24**

Regular Meeting

August 21, 1995

MEETINGS TO DATE 24
NO. OF REGULARS 16
NO. OF SPECIALS 8

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LANCASTER, NEW YORK
AUGUST 21, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 21st day of August 1995 at 8:05 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ELEANOR D. KUCHARSKI, DEPUTY TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
JOSEPH F. REINA, TOWN ATTORNEY
JEFFREY H. SIMME, ASSISTANT BUILDING INSPECTOR
JOHANNA M. COLEMAN, RECEIVER OF TAXES

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:09 P.M., the Town Board held a Public Hearing to consider an increase and improvement of facilities of the of the Lancaster Consolidated Water District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS	ADDRESS
None	

OPPOSERS	ADDRESS
None	

COMMENTS & QUESTIONS	ADDRESS
Gloria Kubicki	15 Maple Drive, Bowmansville
Donald Syner	610 Columbia Avenue, Lancaster

ON MOTION BY COUNCIL MEMBER GIZA, AND SECONDED BY COUNCIL MEMBER POKORSKI AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:20 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town
Board held on August 7, 1995 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER VAN NORTWICK, TO WIT:

WHEREAS, the Supervisor has requested a transfer of funds within the Disaster Preparedness Department to cover the expenditures associated with the purchase of two additional telephones.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1995 Adopted Part Town Fund Budget of the Town of Lancaster be and is hereby approved:

<u>FUND APPROPRIATION</u>	<u>Increase</u>	<u>Decrease</u>
02.3670.0406 Telephones	500.00	
02.3670.0438 Maint. Materials		300.00
02.3670.0446 Uniforms		200.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, a Public Hearing was held on the 7th day of August, 1995 on the Petition of PAUL M. PAUTLER, 371 Ransom Road, Lancaster, New York, for the rezone of certain property located on the north side of Broadway, west of Ransom Road, in the Town of Lancaster, New York, from an RCO - Residential Commercial Office District to a CMS - Commercial Motor Service District, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239(m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an RCO-Residential Commercial Office District to a CMS-Commercial Motor Service District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 7, Section 1, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at point in the original center line of Broadway, distant 235.46 feet westerly from the intersection of the said center line of Broadway with the east line of Lot No. 7;

RUNNING THENCE northerly parallel with the said east line of Lot No. 7, a distant of 45.57 feet to a point in the northerly line of a parcel taken by Notice of Appropriation recorded in Erie County Clerk's office on February 1, 1957 in Liber 6121 of Deeds at page 355, said point being the principal point of beginning;

THENCE CONTINUING northerly along a line parallel with the east line of Lot No. 7 a distance of 305.26 feet to a point;

RUNNING THENCE westerly parallel the original center line of Broadway a distance of 196.38 feet to a point in the west line of lands conveyed to Leonard Roth and Ruth Roth his wife by deed recorded in Liber 7436 of Deeds at page 147;

RUNNING THENCE southerly along the east line of said lands conveyed to Roth and parallel with the east line of Lot No. 7 a distance of 300 feet to a point in the north line of said lands taken by the State of New York;

RUNNING THENCE easterly along the north line of said lands taken by the State of New York a distance of 196.79 feet to a point or place of beginning, containing 1.36 acres of land more or less.

The above described parcel of land being part of subdivision lot "E" as shown on a map filed in Erie County Clerk's Office under Cover No. 1014.

Excepting and reserving for highway purposes the northerly 67 feet of the above described parcel.

2. That said Ordinance Amendment be added in the minutes of the Town Board of the Town of Lancaster held on the 21st day of August, 1995.

3. That a certified copy thereof be published in the Lancaster Bee on or before the 24th day of August, 1995.

4. That Affidavits of Publication be filed with the Town Clerk;
and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from an RCO-Residential Commercial Office District to a CMS-Commercial Motor Service District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 7, Section 1, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at point in the original center line of Broadway, distant 235.46 feet westerly from the intersection of the said center line of Broadway with the east line of Lot No. 7;

RUNNING THENCE northerly parallel with the said east line of Lot No. 7, a distant of 45.57 feet to a point in the northerly line of a parcel taken by Notice of Appropriation recorded in Erie County Clerk's office on February 1, 1957 in Liber 6121 of Deeds at page 355, said point being the principal point of beginning;

THENCE CONTINUING northerly along a line parallel with the east line of Lot No. 7 a distance of 305.26 feet to a point;

RUNNING THENCE westerly parallel the original center line of Broadway a distance of 196.38 feet to a point in the west line of lands conveyed to Leonard Roth and Ruth Roth his wife by deed recorded in Liber 7436 of Deeds at page 147;

RUNNING THENCE southerly along the east line of said lands conveyed to Roth and parallel with the east line of Lot No. 7 a distance of 300 feet to a point in the north line of said lands taken by the State of New York;

RUNNING THENCE easterly along the north line of said lands taken by the State of New York a distance of 196.79 feet to a point or place of beginning, containing 1.36 acres of land more or less.

The above described parcel of land being part of subdivision lot "E" as shown on a map filed in Erie County Clerk's Office under Cover No. 1014.

Excepting and reserving for highway purposes the northerly 67 feet of the above described parcel.

August 21, 1995

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ELEANOR D. KUCHARSKI, Deputy Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of NOTICE OF AMENDMENT TO ZONING ORDINANCE AND ZONING MAP with the original thereof filed in my office at Lancaster, New York, on the 21st day of August, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 21st day of August, 1995.

s/s Eleanor D. Kucharski
Deputy Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, the Supervisor has requested a transfer of
funds within the Lancaster Library Department to cover
necessary expenditures.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1995
Adopted General Fund Budget of the Town of Lancaster be and
is hereby approved:

FUND APPROPRIATION:

	<u>Increase</u>	<u>Decrease</u>
01.7410.0422 Buildings	1,000.00	
01.7411.0411 Contractual Services		1,000.00

The question of the adoption of the foregoing
resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA ,WHO MOVED ITS
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, DONALD GALLO, Consulting Engineer, P.C., has submitted a written proposal dated August 9, 1995, for engineering services related to the Handicapped Accessibility improvements at the Police offices and the Depew and Lancaster Libraries, and renovation work for the Tax Receiver's Cashier's area, said services not to exceed \$23,000.00, and

WHEREAS, the Town Board deems it in the public interest to enter into a contract with DONALD GALLO, on the terms outlined in the proposal dated August 9, 1995, on file in the office of the Town Clerk;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby retains DONALD GALLO, CONSULTING ENGINEER, P.C. for engineering services related to the Handicapped Accessibility Improvements at the Police offices and Depew and Lancaster Libraries, and renovation work for the Tax Receiver's Cashier's area, said services not to exceed the sum of \$23,000.00; and

2. That funds in the amount of \$23,000.00 shall be appropriated from the proceeds of the sale of bonds for this purpose.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

File:rretgalo.895

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, a Public Hearing was held on the 7th day of August, 1995, on the initiative of the Town Board, for the purpose of changing the zoning classification for a parcel of property locally known as 193-195 Cemetery Road, Lancaster, New York, (Parcel "A"), and a parcel of property locally known as 197-199 Cemetery Road, Lancaster, New York, (Parcel "B") for the purpose of rezoning said property from a GB-General Business District to an AR-Agricultural/Residential District, and

WHEREAS, a Notice of said public Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239(m) of the General Municipal Law of the State of New York, and the Erie County Department of Planning have reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a GB-General Business to an AR-Agricultural Residential District:

PARCEL A:

The property to be rezoned is located on the east side of Cemetery Road approximately 520.94 feet north from the centerline of Nichter Road and is further described as:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 4, Township 11, Range 6, of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Cemetery Road, sixty-six (66) feet wide, two hundred (200) feet south of the southwest corner of lands conveyed to Kintex Inc. by deed recorded in the Erie County Clerk's Office in Liber 8066 of Deeds at page 27, said point being six hundred seventy and seventy-six hundredths (670.76) feet south of the northwest corner of said Lot No. 12, Section 4, Township 11, Range 6;

KUNNING THENCE southerly along the center line of Cemetery Road, two hundred (200) feet to a point;

THENCE easterly parallel with the south line of lands conveyed to Kintex, Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet;

THENCE northerly two hundred (200) feet to a point, two hundred (200) feet south of the south line of lands conveyed to Kintex, Inc. by aforesaid deed;

THENCE westerly parallel with and two hundred (200) feet south of the south line of lands conveyed to Kintex Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet to the centerline of Cemetery Road at the point of beginning.

and

PARCEL B:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 4, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING, at a point in the center line of Cemetery Road sixty-six (66) feet wide at the southwest corner of lands conveyed to Kintex Inc. by deed recorded in Erie County Clerk's Office in Liber 8066 of Deeds Page 27, said point being four hundred seventy and sixty-seven hundredths (470.67) feet south of the northwest corner of said Lot No. 12, Section 4, Township 11, Range 6:

RUNNING THENCE SOUTHERLY, along the center line of Cemetery Road two hundred (200) feet to a point:

THENCE EASTERLY parallel with the south line of lands so conveyed to Kintex Inc. by aforesaid deed seven hundred ninety-six and fifty-eight hundredths (796.58) feet to the west line of lands conveyed to James T. Callahan and Paula J. his wife by deed recorded in Erie County Clerk's Office in Liber 7992 of Deeds page 403;

THENCE NORTHERLY along the west line of lands so conveyed to Callahan by aforesaid deed two hundred (200) feet to the south line of lands conveyed to Kintex Inc., by aforesaid deed;

THENCE WESTERLY along the south line of lands so conveyed to Kintex Inc. by aforesaid deed seven hundred ninety-six and fifty-eight hundredths (796.58) feet to the center line of Cemetery Road at the point of beginning.

and

2. That said Ordinance Amendment be added in the minutes of the Town Board of the Town of Lancaster held on the 21st day of August, 1995.

3. That a certified copy thereof be published in the Lancaster Bee on or before the 24th day of August, 1995.

4. That Affidavits of Publication be filed with the Town Clerk;

and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed and that the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed from a GB-General Business to an AR-Agricultural Residential District:

PARCEL A:

The property to be rezoned is located on the east side of Cemetery Road approximately 520.94 feet north from the centerline of Nichter Road and is further described as:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 4, Township 11, Range 6, of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Cemetery Road, sixty-six (66) feet wide, two hundred (200) feet south of the southwest corner of lands conveyed to Kintex Inc. by deed recorded in the Erie County Clerk's Office in Liber 8066 of Deeds at page 27, said point being six hundred seventy and seventy-six hundredths (670.76) feet south of the northwest corner of said Lot No. 12, Section 4, Township 11, Range 6;

RUNNING THENCE southerly along the center line of Cemetery Road, two hundred (200) feet to a point;

THENCE easterly parallel with the south line of lands conveyed to Kintex, Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet;

THENCE northerly two hundred (200) feet to a point, two hundred (200) feet south of the south line of lands conveyed to Kintex, Inc. by aforesaid deed;

THENCE westerly parallel with and two hundred (200) feet south of the south line of lands conveyed to Kintex Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet to the centerline of Cemetery Road at the point of beginning.

and

PARCEL B:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 4, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING, at a point in the center line of Cemetery Road sixty-six (66) feet wide at the southwest corner of lands conveyed to Kintex Inc. by deed recorded in Erie County Clerk's Office in Liber 8066 of Deeds Page 27, said point being four hundred seventy and sixty-seven hundredths (470.67) feet south of the northwest corner of said Lot No. 12, Section 4, Township 11, Range 6:

RUNNING THENCE SOUTHERLY, along the center line of Cemetery Road two hundred (200) feet to a point:

THENCE EASTERLY parallel with the south line of lands so conveyed to Kintex Inc. by aforesaid deed seven hundred ninety-six and fifty-eight hundredths (796.58) feet to the west line of lands conveyed to James T. Callahan and Paula J. his wife by deed recorded in Erie County Clerk's Office in Liber 7992 of Deeds page 403;

THENCE NORTHERLY along the west line of lands so conveyed to Callahan by aforesaid deed two hundred (200) feet to the south line of lands conveyed to Kintex Inc., by aforesaid deed;

THENCE WESTERLY along the south line of lands so conveyed to Kintex Inc. by aforesaid deed seven hundred ninety-six and fifty-eight hundredths (796.58) feet to the center line of Cemetery Road at the point of beginning.

August 21, 1995

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of NOTICE OF AMENDMENT TO ZONING ORDINANCE AND ZONING MAP with the original thereof filed in my office at Lancaster, New York, on the 21st day of August, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town this 21st day of August, 1995.

s/s Eleanor D. Kucharski
Deputy Town Clerk

File: RRZCRCHA.895

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK TO WIT:

WHEREAS, the Town of Lancaster's Ad Hoc Road Committee has recommended to the Town Board that independent consulting engineers be retained to assist the Town in conducting on site inspection services, at various residential subdivisions within the Town, in order to better ensure compliance with the Town's building and construction regulations, and

WHEREAS, Wm. Schutt & Associates, P.C., 5360 Genesee Street, Bowmansville, New York 14026, has submitted a written proposal dated March 8, 1995 to provide such services, and

WHEREAS, Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Buffalo, New York 14219, has submitted a written proposal dated March 14, 1995, to provide such services, and

WHEREAS, the Town Board has determined that to retain each of the above referenced firms would be more economically feasible than the Town hiring additional part time or full time engineers to conduct on site inspections, and

WHEREAS, the Town Board has determined that to retain two engineering firms will better ensure the availability of engineers to conduct on site inspections, and

WHEREAS, under both written proposals, the firms will be compensated only for work actually performed;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The firm of Wm. Schutt & Associates, P.C. is hereby retained by the Town of Lancaster to assist the Town in conducting on site inspection services at various residential subdivisions within the Town, according to the terms of its written proposal dated March 8, 1995.

2. The firm of Nussbaumer & Clarke, Inc. is hereby retained by the Town of Lancaster to assist the Town in conducting on site inspection services at various residential subdivisions within the Town, according to the terms of its written proposal dated March 14, 1995.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 3680 to Claim No. 3936 Inclusive

Total amount hereby authorized to be paid: \$975,283.60

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER POKORSKI TO WIT:

RESOLVED, that the following Building Permit Applications be
 and are hereby approved and the issuance of these Building Permits be and are
 hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
2856		Marrano/Marc Equity	10 Riemers Ave	Er. Sin. Dwlg
2857		Marrano/Marc Equity	27 Riemers Ave	Er. Sin. Dwlg
2858		Marrano/Marc Equity	146 Belmont St	ER. Sin. Dwlg
2859		Dennis Leach	35 Via Donato E	Er. Patio Enclosure
2860		Ryan Homes	32 Village View	Er. Sin. Dwlg
2861		Ryan Homes	7 Village View	Er. Sin. Dwlg
2862		Woodbridge Const	10 Windsor Ridge	Er. Sin. Dwlg
2863		Fischione Const Co Inc	27 Arrow Trail	Er. Sin. Dwlg
2864		Bill Abbotoy	16 Quail Run Ln	Er. Deck
2865		Christopher Swan	27 Whitestone Ln	Er. Storage Bldg
2866		Patricia Ulm	1167 Penora St	Er. Porch
2867		Sunrise Homes	27 Michael's Wlk	Er. Sin. Dwlg
2868		Glamour Pools	214 Enchanted Fst N	Er. Fence/Pool
2869		Jeff Nowak	25 Hillside Pkwy	Er. Shed
2870		Paul McAlliston	95 Stony Rd	Ex. Sin. Dwlg
2871		Creative Fence Co Inc	10 Oakwood Comm	Er. Fence
2872		Edward Myszka	495 Lake Ave	Er. Shed
2873		Gary Hainsly	569 Lake Ave	Er. Deck
2874		Paul Cam	22 Woodgate Dr	ER. Deck
2875		Janice Bartel	13 Wendtworth Ct	Er. Deck
2876		Telfair Construction	4091 Walden Ave	Er. Office/Warehouse
2877		Charlene Wagner	5 Partridge Wk	Replace Shed
2878		Majestic Pools	5 Willow Ridge Ct	Er. Pool
2879		Edward Czuprynski Jr	172 Siebert Rd	Er. Garage
2880		Mary Alajko	39 Stonehedge Dr	Er. Sin. Dwlg
2881		Jim & Jill Kaczor	21 Grace Way	Ex. Sin. Dwlg
2882		Neederprum Const	6331 Genesee St	Ex. Sin. Dwlg
2883		James Jurnack	23 Riemers Ave	Er. Fence
2884		Glenridge Development	146-168 Olde Stone Ln	Er. Town Houses

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2885	Marrano/Marc Equity	145 Belmont St	Er. Sin. Dwlg
2886	Marrano/Marc Equity	72 Old Post Rd	Er. Sin. Dwlg
2887	William J Goral	97 Michael's Wlk	Er. Shed/Fence
2888 (SW)	Joseph Oleksey	294 Ransom Rd	Er. Sin. Dwlg
2889	Marrano/Marc Equity	78 Old Post Rd	Er. Sin. Dwlg
2890	Marrano/Marc Equity	64 Old Post Rd	Er. Sin. Dwlg
2891	Parkhaven Bldrs Inc	13 Bentley Cir	Er. Sin. Dwlg
2892	M J Ogiony	12 Winding Way	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER POKORSKI, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK TO WIT:

A regular meeting of the Town Board
of the Town of Lancaster, in the
County of Erie, New York, was held
at the Town Hall, in said Town, on
the 21st day of August, 1995.

PRESENT:

Hon. Lucian J. Greco, Supervisor
Robert H. Giza, Council Member
Donald E. Kwak, Council Member
Patrick C. Pokorski, Council Member
Thomas H. VanNortwick, Council Member
Council
Council

In the Matter

of the

**Increase and Improvement of Facilities of the
Lancaster Consolidated Water District, in the
Town of Lancaster, in the County of Erie, New
York, pursuant to Section 202-b of the Town
Law.**

**RESOLUTION AND
ORDER AFTER PUBLIC
HEARING**

**WHEREAS, the Town Board of the Town of Lancaster (herein
called "Town Board" and "Town", respectively), in the County of
Erie, New York, on behalf of the Lancaster Consolidated Water
District, in the Town (herein called "District"), has requested
Hayden-Wegman, Inc., competent engineers duly licensed by the
State of New York (referred to herein as the "Engineer"), to**

prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, including (i) installation of approximately 2,900 linear feet of eight-inch PVC watermain along Aurora Street from Woodgate Drive to Running Brook Drive, including valves, hydrants, services and all appurtenances; (ii) installation of approximately 2,500 linear feet of eight-inch PVC watermain along Glendale Drive and Parkdale Drive off of Broadway, including valves, hydrants, services and all appurtenances; and (iii) installation of approximately 3,000 linear feet of eight-inch PVC watermain along Steinfeldt Road from Broadway to Erie Street, including valves, hydrants, services and all appurtenances, and at the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report, and has estimated the aggregate cost thereof to be \$830,000; and

WHEREAS, the Town Board adopted an order describing in general terms the proposed increase or improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on August 21, 1995 at 8:00 o'clock P.M. (Prevailing Time) at the Town Hall, 21 Central Avenue, Lancaster, New York; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 21st day of August, 1995 at 8:00 o'clock P.M. (Prevailing Time) at the Town Hall, 21 Central Avenue, Lancaster, New York, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of facilities of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk.

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred, to at the estimated cost of not to exceed \$830,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for the execution of the work, which plans shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$830,000 serial bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: AUGUST 21, 1995

TOWN BOARD OF THE TOWN OF LANCASTER

/s/ Lucian J. Greco, Supervisor

/s/ Robert H. Giza, Council Member

/s/ Donald E. Kwak, Council Member

/s/ Patrick C. Pokorski, Council Member

/s/ Thomas H. VanNortwick, Council Member

(SEAL)

Members of the Town Board of the Town
of Lancaster, New York

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER POKORSKI , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,
ADOPTED AUGUST 21, 1995, APPROPRIATING \$830,000 FOR
THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE
LANCASTER CONSOLIDATED WATER DISTRICT, IN SAID
TOWN, AND AUTHORIZING THE ISSUANCE OF \$830,000
SERIAL BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION

Recital

WHEREAS, following preparation of plans for the increase
and improvement of facilities of the Lancaster Consolidated Water
District (herein called "District"), in the Town of Lancaster
(herein called "Town"), in the County of Erie, New York,
including (i) installation of approximately 2,900 linear feet of
eight-inch PVC watermain along Aurora Street from Woodgate Drive
to Running Brook Drive, including valves, hydrants, services and
all appurtenances; (ii) installation of approximately 2,500
linear feet of eight-inch PVC watermain along Glendale Drive and
Parkdale Drive off of Broadway, including valves, hydrants,
services and all appurtenances; and (iii) installation of
approximately 3,000 linear feet of eight-inch PVC watermain along
Steinfeldt Road from Broadway to Erie Street, including valves,
hydrants, services and all appurtenances, and after a public
hearing duly called and held, the Town Board of the Town
determined that it is in the public interest to increase and

improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$830,000 for the increase and improvement of facilities of the District, as referred to in the Recital hereto. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$830,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$830,000 serial bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$830,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which said \$830,000 bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 1. of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds, shall be general obligations of the Town payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued

in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

* * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER POKORSKI , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN
THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby directed to publish
the foregoing bond resolution, in full, in the "LANCASTER BEE," a
newspaper published in Lancaster, New York, and having a general
circulation in said Town, which newspaper is hereby designated as
the official newspaper of the Town for such publication, together
with the Town Clerk's statutory notice in the form prescribed by
Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect
immediately.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

August 21, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, Pleasant View Associates, 2730 Transit Road, West Seneca, New York 14224, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Stony Brook Subdivision, Phase IV(B),

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 414, 415, 416 and 417 of Pleasant View Associates, 2730 Transit Road, West Seneca, New York 14224, for the installation of:

P.I.P. No. 414 Approx. 2,230 LF 8" C-900; 3 hydrants; 6 8"
(Water Line) valves

P.I.P. No. 415 Station 0+00 - 3+32 Cedar Brook Drive;
(Pavement & Curbs) Station 15+77 - 17+50 Cedar Brook Drive; Station
0+00 - 16+45 Stone Hedge Drive

P.I.P. No. 416 Detention Pond including earth work, erosion
(Detention Basin) control and seeding

P.I.P. No. 417 6" - 959 LF; 12" - 1727 LF; 15" - 236 LF; 18" -
(Storm Sewer) 174 LF; 42" - 595 LF; back yd RCVR - 11; LD RCVR
- 2, road RCVR 13, 48" Dia. MH 14

be and are hereby approved and the installation of the improvements requested
be and are hereby authorized, subject to the following condition:

No Building Permits shall be issued until Performance Security as authorized in Chapter 11-6 of the Code of the Town of Lancaster is provided -- or -- until approval of all Public Improvements, including lighting and sidewalks, by the Town Engineer and Town Board, and sewer by Erie County Sewer District No. 4, and conveyance of Warranty Deed with adequate title insurance and bill of sale of improvements rights-of-way and easement, and delivery of two (2) year maintenance bonds from date of acceptance in the principal sum of 25% of the total cost of the improvement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

August 21, 1995

COMMUNICATIONSPage 684
DISPOSITION

523. Receiver of Taxes to Town Board - Transmittal of new tax bill to be used for 1995-96 school tax.	<u>R & F</u>
524. Diane/Ronald Gulla to Town Board - Opposition to Tops distribution center.	<u>PLANNING COMMITTEE</u>
525. William R. Greiner to Supervisor - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
526. Danette Falbo to Supervisor - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
527. Town Clerk to Supervisor - Monthly report for July 1995.	<u>R & F</u>
528. Youth Bureau Ex. Dir. to Town Clerk - Notification of resignation of Beverly Valutis as member of Youth Board.	<u>R & F</u>
529. Ervin Burkhardt to Town Clerk - Transmittal of newspaper article re: Tops rezone with expression of opposition to this matter.	<u>PLANNING COMMITTEE</u>
530. Nova Schlager to Town Board - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
531. Thomas E. Kunz to Town Board - (correction) Notice of resignation as Real Property Appraisal Technician in the Assessor's Office effective 09/15/95.	<u>R & F</u>
532. Bowmansville V.F.A. to Supervisor - Reply to statements re: fire protection as it pertains to Tops.	<u>PUBLIC SAFETY</u> <u>COMMITTEE</u> <u>PLANNING COMMITTEE</u>
533. Al Fuller to Supervisor - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
534. M/M G. Tierney to Supervisor - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
535. Florence Ortt to Town Board - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
536. Kelly Lounsberry to Town and Planning Boards - Opposition to Tops distribution center.	<u>PLANNING COMMITTEE</u>
537. David R. Bordonaro to Supervisor - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
538. Peter and Joanne Rocco to Supervisor - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
539. John Dobinski to Supervisor - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
540. Doreen Cesari to Town Board - Support for Tops distribution center.	<u>PLANNING COMMITTEE</u>
541. Brian Fahey to Town Board - Concerns at Board Meetings and opposition to Tops distribution center.	<u>PLANNING COMMITTEE</u>
542. CARE to Dr. Robert D. Kuhn, HPC - Invitation to personal site inspection at site of Tops distribution center.	<u>PLANNING COMMITTEE</u>
543. Linda Burgess to Supervisor - Opposition to Tops distribution center.	<u>PLANNING COMMITTEE</u>

COMMUNICATIONSDISPOSITION

- | | |
|---|---|
| 544. Natural Resources - Region 9 to Joseph Laraiso -
Renewal of NYS DEC Permit
No. 9-1432-00010/0003-0. | TOWN CLERK
TOWN ENGINEER |
| 545. County Health Dept. to Park Edge Development Co. -
Approval of application Park Edge Subdivision. | PLANNING COMMITTEE
TOWN CLERK |
| 546. Kevin Wilcox to Town Clerk -
Support for Tops distribution center. | PLANNING COMMITTEE |
| 547. Donald Gallo, Consulting Engineer, to Town Engineer
Proposal for engineering services re:
Handicapped Accessibility 1995 Project. | R & F |
| 548. Depew Village Mayor to Town Disaster Coordinator -
Expression of gratitude for use of Town's
Command Post on 8/1/95. | R & F |
| 549. Blanche Kreuzer, Linda Lee Burgess, Kristen Burgess
to Council Member Van Nortwick -
Comparison between Richfood Products warehouse
in Richmond, VA and proposed Tops distribution
center. | PLANNING COMMITTEE |
| 550. Kandy Palmeri to Council Member Giza -
Opposition to Tops distribution center. | PLANNING COMMITTEE |
| 551. Mark Dudziak to Supervisor -
Support for Tops distribution center. | PLANNING COMMITTEE |
| 552. Daniel J. Jaszka to Supervisor -
Support for Tops distribution center. | PLANNING COMMITTEE |
| 553. Diane D. Baehre to Town Board -
Remarks concerning "silent majority" in regards
Tops distribution center. | PLANNING COMMITTEE |
| 554. Michael DiPirro to Town Board -
Opposition to Tops distribution center. | PLANNING COMMITTEE |
| 555. Ervin Burkhardt to Town Board -
Transmittal of Buffalo News article of 8/10/95
entitled "Teamsters to Tops: Respect local
workforce". | PLANNING COMMITTEE |
| 556. Jim/Donnette Cius, 495 Harris Hill Rd., to Town
Board -
Complaint re: noise and parking of tractor
trailers. | BUILDING INSPECTOR |
| 557. Jim/Donnette Cius, 495 Harris Hill Rd., to Town
Board -
Concerns over safety of <i>Senese (uk)</i> Main Street Bridge in
Bowmansville. | PUBLIC SAFETY
COMMITTEE
CHIEF OF POLICE |
| 558. Town Clerk to various newspapers and radio
stations -
Notice of SEQR meeting of the Town Board and
Planning Board of the Town of Lancaster. | R & F |
| 559. Mary Ann Tober, 82 Old Post Rd., to Town Board -
Comments regarding Jones Intercable service. | CABLE COMMITTEE |
| 560. Town Engineer to Town Board -
Transmittal of fee schedules for Nussbaumer &
Clarke, Inc. and Wm Schutt & Associates, P.C. | R & F |
| 561. Francis C. Martin, 175 N. Maple Dr., to Town
Board -
Opposition to Tops Distribution Center. | PLANNING COMMITTEE |

COMMUNICATIONSDISPOSITION

562. Donald Gallo to Town Engineer Transmittal of proposal for engineering services related to Handicapped Accessibility improvements at the Police offices and Depew and Lancaster Libraries.	<u>R & F</u> _____ _____ _____
563. Richard H. Compton, 8720 Hartshorn Rd., Corfu to Town Board - Support for Tops Distribution Center.	<u>PLANNING COMMITTEE</u> _____ _____
564. ECDEP to Supervisor - Comments to ECDEP on Erie County Sewer District No. 4.	<u>R & F</u> _____ _____
565. Thomas E. Kunz to Town Board - Duplicate of No. 531.	<u>R & F</u> _____ _____
566. Ethan L. Peters, 222 Warner Rd., to Town Board - Expresses discontent with Jones Intercable.	<u>CABLE COMMITTEE</u> _____ _____
567. Eastwood Association, Inc. to Timon Electric - Confirmation of design changes and transmittal of agreement to be executed re: approval of rezone of Valencia Park.	<u>PLANNING COMMITTEE</u> <u>TOWN ATTORNEY</u> <u>TOWN CLERK</u> _____ _____
568. Eagle Hose Company to Town Board - Invitation to attend annual inspection September 9, 1995.	<u>R & F</u> _____ _____

PERSONS ADDRESSING TOWN BOARD:

Baehre, Diane, 5755 Genesee Street, spoke to the Town Board on the following matter:

Concerns regarding Tops rezone project.

Pericozzi, Beth, 14 Stony Brook Drive, spoke to the Town Board on the following matters:

Requested update on matter of stone driveway on Pleasant View Drive.
Requested lowering of speed limit on Pleasant View Drive.

Juszcak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

Illegal dumping on Stony Brook Drive.
Truck noise.

Moessinger, David, 1312 Ransom Road, spoke to the Town Board on the following matter:

Hunters Creek Subdivision problems with developer.

Farrell, Rick, 467 Pleasant View Drive, spoke to the Town Board on the following matter:

Comments re: truck noises.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

Request for recognition of Joseph Juszcak for suggestion of Town land as park area (Westwood Park).

Weight limit on all Town roads.

Moessinger, David, 1312 Ransom Road, spoke to the Town Board on the following matters:

Walden Avenue being ideal for business/industry developments.
Status of Buffalo Tournament Club site plan.

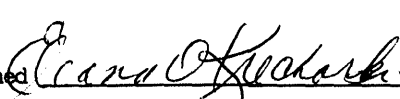
Frank, Mary, 5176 Genesee Street, spoke to the Town Board on the following matter:

Concerns re: low water pressure on Genesee Street in connection with Tops project.

ADJOURNMENT:

ON MOTION OF COUNCILMAN KWAK, AND SECONDED BY THE ENTIRE TOWN BOARD
AND CARRIED, the meeting was adjourned at 9:15 P.M.

Signed


Eleanor D. Kucharski, Deputy Town Clerk